

### **Remarks**

Applicant submits this amendment concurrently with a Petition to withdraw the subject application from issue under 37 C.F.R. §1.313(c)(2), and a Request for Continued Examination (RCE). This action is taken to remove certain extraneous material from the claims. A request to make these corrections by amendment under Rule 1.312, filed before payment of the issue fee, was declined by the examiner as potentially affecting the scope of the claims. Therefore, this Petition, RCE and amendment are necessary to correct the matters mentioned.

The extraneous material arose from a clerical error. Applicant's amendment filed June 26, 2006, responsive to the notice of noncompliant amendment, was inadvertently filed without the strikeouts that were to be made, as can be seen by comparing the amendment as it was originally submitted on May 15, 2006 (with strikeouts) versus the version of the claims filed June 26, 2006 to correct alleged noncompliance.

Some of the phrases that were to be struck from the claims as applicant sought to amend them on May 15, 2006 were noticed by the examiner as extraneous (informal, ungrammatical or otherwise unneeded). These were canceled in the examiner's amendment attached to the notice of allowance.

Applicant submits this amendment to cancel terms that remained to be canceled as provided in the originally intended amendment and thereby to clarify the subject matter claimed.

No new matter has been entered into the application by way of these amendments.

The claims as amended are allowable. The subject matter that applicant proposes to cancel is unnecessary to distinguish over the prior art or is redundant with other phrases that are particularly and distinctly recited. It is unnecessary to recite in claim 1 that the tip device is variably inclinable when the claim recites that said tip device is tiltable to an inclination angle. It is similarly unnecessary to say that the inclination angle of the pivotal tip device is variable in a cone axis. These phrases are redundant.

In claim 2, it is unnecessary to recite that the control movement is longitudinal and that the longitudinal movement is relative to a bearing structure (i.e., relative to a structure on the shaft), and also to say that the movement is "along" said shaft. These phrases also are redundant. Any one of such phrases distinguishes the invention claimed as a whole from the prior art of record.

Entry of this amendment is requested together with withdrawal of the application from issue and commencement of Continued Examination as requested.

Respectfully submitted,

Date: October 31, 2006

Docket No.: D4695-83

By: /Stephan Gribok/  
Stephan P. Gribok, Reg. No. 29,643  
Duane Morris LLP  
30 South 17<sup>th</sup> Street  
Philadelphia, PA 19103-4196  
tel. 215-979-1283  
fax. 215-979-1020  
spgribok@duanemorris.com